

RESOLUTION NO. 14-

1119 OLIVIA STREET - REVOCABLE LICENSE

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT FOR NONPERMANENT USE OF CITY PROPERTY TO MAINTAIN AN EXISTING WOOD FENCE LOCATED ON CITY RIGHT-OF-WAY ABUTTING THE PROPERTY LOCATED AT 1119 OLIVIA STREET (RE # 00022290-000000, AK # 1023078) PURSUANT TO SECTION 2-939 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Development Review Committee (DRC) considered a request by Lynn and Hope Hallum (the "Owner") for a revocable license for a nonpermanent use of City property to maintain an existing wood fence within the Ashe Street right-of-way adjacent to the Owner's property located at 1119 Olivia Street; and

WHEREAS, Section 2-939 of the Code of Ordinances of the City of Key West, Florida provides that the City may grant a revocable license for a nonpermanent use of City property, such as planters, awnings, trash receptacles, planted areas, benches, flagpoles, guardrails, ramps and light fixtures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Manager is hereby authorized to execute a Revocable License Agreement For Use of City Property (the "Agreement") to maintain an existing wood fence located within the Ashe Street right-of-way, adjacent to 1119 Olivia Street, as more

specifically described in the Agreement, upon advice and consent of the City Attorney.

Section 2: That the following conditions shall apply to the grant of revocable license:

(1) The City may unilaterally terminate the revocable license with or without cause upon 30 days written notice.

(2) The Owner shall pay the annual fee specified in Section 2-939(d) of the City Code of Ordinances.

(3) The Owner shall irrevocably appoint the City Manager as its agent to permit the removal of the fence on City property if the annual fee required by City Code is not paid. The costs incurred by the City associated with any such removal shall be borne by the Owner.

(4) The revocable license shall terminate upon the failure of the Owner to maintain liability insurance, such public liability and property damage insurance protecting the City from all claims and damage to property or bodily injury. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00), or such other amount as may be legislatively determined to be the maximum extent of sovereign immunity waiver, naming the City as an additional insured for that portion of real property which is the subject of this revocable license. The policy shall not terminate or be cancelled without 45 days' written notice sent via certified mail to the City's Chief Building Official.

(5) In the event this revocable license is terminated, the fence shall be immediately removed upon the request of the City and in the event the fence is not removed, or due to an emergency the City finds it necessary to act immediately, the City may remove same and shall not be responsible for damage incurred due to such removal. The cost incurred by the City associated with any such removal shall be borne by the Owner.

(6) The revocable license shall be personal to the Owner and may not be transferred or assigned.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2014.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2014.

Filed with the Clerk _____, 2014.

Mayor Craig Cates _____

Vice Mayor Mark Rossi _____

Commissioner Teri Johnston _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

Commissioner Tony Yaniz _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK